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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE JOSEPH P. LAVERY,
Plaintiff,

Case No. 16-cv-2331-TEH

ORDER OF DISMISSAL

Dkt. No. 5

This case was opened when Plaintiff wrote a letter to the Court regarding prison conditions. In an effort to protect his rights, it was filed as a new case. Plaintiff was informed that he had not filed a complaint and was given twenty-eight days to do so. He also was sent a notice that he had not paid the filing fee or applied for leave to proceed in forma pauperis ("IFP"); again, he was allowed twenty-eight days to either pay the fee or file the application. A copy of the Court's form for applications to proceed IFP was provided with the notice, along with a return envelope.

Plaintiff has filed a motion to appoint counsel but has not filed a complaint or IFP application. This case is therefore DISMISSED without prejudice. The motion to appoint counsel (Docket No. 5) is DENIED. No fee is due.

1 **The clerk shall close the file.**

2 **IT IS SO ORDERED.**

3 **Dated: 6/8/2016**

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6 **THELTON E. HENDERSON**
7 United States District Judge

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